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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,469	12/14/2000	Bill Terpselas	JJ-11 050CA	6298

7590 12/06/2001

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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 12/06/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/735,469

Applicant(s)

TERPSELAS, BILL

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

- a. page 2, line 11, "are" should read "and";
- b. page 3, line 34, "nad" should read "and";
- c. page 3, line 36, "accros" should read "across";
- d. page 3, line 36, "user 12" should read "user 12.";
- e. page 6, line 37, "opening" should read "opening";
- f. page 6, line 38, "thye" should read "the".

Appropriate correction is required.

### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities: "the open side" (line 3) should read "the third side". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 6, the phrase "in the opening between when released from the latch" in lines 4-5 is unclear rendering the scope of the claim indefinite.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,891,274 to Cook et al.

Cook et al. disclose a protective covering for shoulder and lap seat belts that includes all the limitations recited in claim 1.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,178,439 to 5,178,439 to McCracken.

McCracken discloses a protective covering for shoulder and lap seat belts that includes all the limitations recited in claim 1.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCracken in view of U.S. Patent No. 5,421,614 to Zheng.

McCracken shows a protective covering for shoulder and lap seat belts that is basically the same as that recited in claims 2-5 except that the third side lacks fastener for adjustably connecting the front and back of the cover, as recited in the claims.

Zheng discloses a protective covering similar to that of McCracken wherein the opening 58 (Fig. 2) is securable through a releasable fastener 62a (Fig. 2) for adjustment of the size of the opening. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the protective covering of McCracken such that the opening of the third side has dome fasteners for adjustable, releasable securing the front and back sides of the cover, such as the protective cover disclosed in Zheng. One would have been motivated to make such a modification in view of the suggestion in Zheng that the adjustable, releasable opening of the protective cover allows the cover to accommodate children of varying sizes.

11. Claims 6-8, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over McCracken in view of Zheng as applied to claims 2-5 above, and further in view of U.S. Patent No. 4,961,251 to Smith.

McCracken, as modified, discloses a protective covering that is basically the same as that recited in claims 6-8, as best understood, except that the opening for the seat belt tongue lacks a retaining means and an elastic mesh cover for the latch release

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button, as recited in the claims. Smith shows a protective covering similar to that of McCracken wherein the opening for the tongue has an elastic ring retaining means 72 (Fig. 4) with a mesh cover 50 (Fig. 4) over the latch release button. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the protective covering of McCracken such that the opening for the tongue has a dome fastener or elastic ring retaining means with a elastic mesh cover over the latch release button, such as the protective cover disclosed in Smith. One would have been motivated to make such a modification in view of the suggestion in Smith that the tongue cover prevents the unintentional unlatching of the seat belt release button.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to protective coverings:

U.S. Pat. No. 1,616,349 to Cagle	U.S. Pat. No. 3,713,693 to Cadiou
U.S. Pat. No. 3,941,404 to Otaegui-Ugarte	U.S. Pat. No. 4,291,919 to Schmid et al.
U.S. Pat. No. 4,678,205 to Wold	U.S. Pat. No. 4,878,277 to Portuese
U.S. Pat. No. 4,944,530 to Spurrier	U.S. Pat. No. 5,161,258 to Coltrain
U.S. Pat. No. 5,169,174 to Gray	U.S. Pat. No. 5,213,366 to Sweger, Jr.
U.S. Pat. No. 5,617,617 to Gustin	U.S. Pat. No. 6,086,158 to Zeoli

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U.S. Pat. No. 6,138,331 to Powers

U.S. Pat. No. 6,142,575 to Patterson

U.S. Pat. No. 6,322,149 B1 to Conforti et al.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE   
December 2, 2001

  
Milton Nelson, Jr.  
Primary Examiner